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SENATE BILL 607

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING A SECTION OF THE WATER
QUALITY ACT TO CHANGE THE NUMBER OF WATER QUALITY CONTROL
COMMISSIONERS TO FIVE REPRESENTING EACH OF THE PUBLIC
REGULATION COMMISSION DISTRICTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 74-6-3 NMSA 1978 (being Laws 1967,
Chapter 190, Section 3, as amended) is amended to read:

"74-6-3. WATER QUALITY CONTROL COMMISSION CREATED.--

A. There is created the "water quality control
commission" consisting of

~~[(1) the secretary of environment or a member
of the secretary's staff designated by the secretary;~~

~~(2) the secretary of health or a member of the
secretary's staff designated by the secretary;~~

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1 ~~(3) the director of the department of game and~~
2 ~~fish or a member of the director's staff designated by the~~
3 ~~director;~~

4 ~~(4) the state engineer or a member of the~~
5 ~~state engineer's staff designated by the state engineer;~~

6 ~~(5) the chair of the oil conservation~~
7 ~~commission or a member of the chair's staff designated by the~~
8 ~~chair;~~

9 ~~(6) the director of the state parks division~~
10 ~~of the energy, minerals and natural resources department or a~~
11 ~~member of the director's staff designated by the director;~~

12 ~~(7) the director of the New Mexico department~~
13 ~~of agriculture or a member of the director's staff designated~~
14 ~~by the director;~~

15 ~~(8) the chair of the soil and water~~
16 ~~conservation commission or a soil and water conservation~~
17 ~~district supervisor designated by the chair;~~

18 ~~(9) the director of the bureau of geology and~~
19 ~~mineral resources at the New Mexico institute of mining and~~
20 ~~technology or a member of the director's staff designated by~~
21 ~~the director;~~

22 ~~(10) a municipal or county government~~
23 ~~representative; and~~

24 ~~(11) four representatives of the public to be~~
25 ~~appointed by the governor for terms of four years and who shall~~

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1 ~~be compensated from the budgeted funds of the department of~~
2 ~~environment in accordance with the provisions of the Per Diem~~
3 ~~and Mileage Act. At least one member appointed by the governor~~
4 ~~shall be a member of a New Mexico Indian tribe or pueblo] five~~
5 members appointed by the governor and confirmed by the senate
6 representing each of the five public regulation commission
7 districts defined pursuant to the Public Regulation Commission
8 Apportionment Act.

9 B. A member of the commission shall not receive, or
10 shall not have received during the previous two years, a
11 significant portion of the member's income directly or
12 indirectly from permit holders or applicants for a permit. A
13 member of the commission shall, upon the acceptance of the
14 member's appointment and prior to the performance of any of the
15 member's duties, file a statement of disclosure with the
16 secretary of state disclosing any amount of money or other
17 valuable consideration, and its source, the value of which is
18 in excess of ten percent of the member's gross personal income
19 in each of the preceding two years, that the member received
20 directly or indirectly from permit holders or applicants for
21 permits required under the Water Quality Act. A member of the
22 commission shall not participate in the consideration of an
23 appeal if the subject of the appeal is an application filed or
24 a permit held by an entity that either employs the commission
25 member or from which the commission member received more than

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1 ten percent of the member's gross personal income in either of
2 the preceding two years.

3 C. The commission shall elect a chair and other
4 necessary officers and shall keep a record of its proceedings.

5 D. A majority of the commission, three members,
6 constitutes a quorum for the transaction of business, [~~but~~] and
7 no action of the commission is valid unless concurred in by
8 [~~six~~] three or more members present at a meeting.

9 E. The commission is the state water pollution
10 control agency for this state for all purposes of the federal
11 act and the wellhead protection and sole source aquifer
12 programs of the federal Safe Drinking Water Act and may take
13 all action necessary and appropriate to secure to this state,
14 its political subdivisions or interstate agencies the benefits
15 of that act and those programs.

16 F. The commission is administratively attached, as
17 defined in the Executive Reorganization Act, to the department
18 of environment."